

GFI Bedford, LLC
133 Pearl Street Suite 400
Boston, MA 02110

Re: 43 Constitution Drive
Bedford, NH 03110
UST #0-114631

**AMENDMENT BY CONSENT
TO ADMINISTRATIVE ORDER
No. WMD 05-007**

A. INTRODUCTION

This Amendment by Consent to Administrative Order No. WMD 05-007 ("Amendment") is issued by the Department of Environmental Services, Waste Management Division ("DES") to, and with the consent of, GFI Bedford, LLC, ("GFI") pursuant to RSA 146-C. This Administrative Order by Consent is effective upon signature by all parties.

Administrative Order No. WMD 05-007 ("the Order"), was issued by DES on October 19, 2005 pursuant to RSA 146-C. Section E., Paragraph 1 of the Order required that GFI permanently close the UST systems on the Property.

Notice of Proposed Administrative Fine, Docket No. AF 05-074 was issued on September 7, 2005, pursuant to RSA 146-C for violations associated with the Order.

GFI has notified the Division that they would like to close the existing UST system and replace it with a new system on the Property.

B. AMENDMENT

The parties agree that the Order is revised as follows:

1. That Sections "E," "F" and "G" of the Order shall be deleted in their entirety and replaced with the following paragraphs:

"E. ORDER

Based on the above findings, DES hereby orders GFI Bedford, LLC, and GFI Bedford, LLC agrees, to undertake and complete the following actions in accordance with the time schedules specified:

1. The outstanding Permit-to-Operate fees in the amount of \$210 shall be paid by **April 1, 2006.**

2. GFI will execute the Waiver associated with the Proposed Administrative Fine and pay the proposed fine in the amount of \$4,000 by **April 1, 2006**.
3. The existing 10,000-gallon heating oil UST system shall be permanently closed in accordance with Env-Wm 1401.18 by **May 15, 2006**.
4. A closure report containing the results of the contamination assessment as a result of the permanent closure of the 10,000-gallon heating oil UST system, as required by Env-Wm 1401.18(g)(10) shall be submitted to DES by **July 1, 2006**.
5. **Send** correspondence, data, reports, and other submissions made in connection with this Order, to DES as follows:

Lynn A. Woodard, P.E., Supervisor, Oil Compliance Section
DES Waste Management Division
P.O. Box 95
Concord, NH 03302-0095
Fax: (603) 271-2181
e-mail: lwoodard@des.state.nh.us

F. STIPULATED PENALTIES

1. Failure on the part of GFI to permanently close the existing 10,000-gallon heating oil UST system on or before May 15, 2006, shall cause a penalty, in the amount of, \$2,000 to become due and payable by GFI to DES for each day, or portion thereof, after May 15, 2006 closure is not achieved, in addition to any other payments or penalties that are due or are accruing.
2. Failure on the part of GFI to submit a closure report for the permanent closure of the 10,000-gallon heating oil UST system by July 1, 2006, shall cause a penalty, in the amount of \$2,000 to become due and payable by GFI to DES for each day, or portion thereof, after July 1, 2006 the closure report is not received by DES.
3. If stipulated penalties become due, payment shall be by certified check made payable to "Treasurer, State of New Hampshire" and mailed to DES Legal Unit, P.O. Box 95, Concord, NH 03302-0095, Attn: Michael Sclafani, within 15 days of the date of issuance of notice from DES that payment is required.

G. CONSENT AND WAIVER OF APPEAL

1. By execution of this Amendment, GFI agrees that this Amendment and Order shall apply to and be binding upon GFI Bedford, LLC, its officers, directors, successors and assigns, and agrees that this Amendment and Order may be entered and enforced by a court of competent jurisdiction.
2. By execution of this Amendment by Consent, GFI waives any right to appeal this Amendment and Order provided by statute, rule, or common law, including without

limitation the right to appeal to the Waste Management Council, and waives any right to object to the entry and enforcement of this order by a court of competent jurisdiction.”

2. In all other respects the Order shall remain in full force and effect.

GFI Bedford, LLC

COPY

Steven Goodman
Duly Authorized

4-10-06
Date

NH Department of Environmental Services

COPY

Anthony B. Giunta, P.G., Director
Waste Management Division

4/18/06
Date

COPY

Michael P. Nolin, Commissioner

04 24 06
Date

ec: Public Information Officer, DES PIP Office
Jennifer J. Patterson, Sr. Asst. Attorney General, NHDOJ/EPB
Lynn A. Woodard, P.E., Supervisor
Thomas R. Beaulieu, Chief
cc: Gretchen Hamel, Legal Unit Administrator
Town of Bedford
Law Offices of Daniel W. Sklar, c/o Nixon Peabody LLP, 889 Elm Street, Manchester, NH 03101 (registered agent)